

VINCENT SHIPP,

Appellant

v.

ANNE ARUNDEL COUNTY
BOARD OF EDUCATION,
Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR24-07

ORDER

Vincent Shipp (“Appellant”) requests that this Board reconsider its February 2, 2024, Order in *Vincent Shipp v. Anne Arundel County Bd. of Educ.*, MSBE OR24-05, which dismissed for untimeliness the Appellant’s appeal of the Anne Arundel County Board of Education’s (“local board”) decision affirming the nonrenewal of his probationary non-tenured teaching contract. The Appellant’s reconsideration request is unclear and does not aver an extraordinary circumstance that would justify an exception to the 30-day deadline or otherwise address the untimeliness in filing his appeal with the State Board.

Motion for Reconsideration Standard

A decision on a request for reconsideration shall be made in the discretion of the State Board except that a decision may not be disturbed unless there is sufficient indication in the request that:

- (1) The decision resulted from mistake or error of law; or
- (2) New facts material to the issues have been discovered or have occurred subsequent to the decision.

The State Board may refuse to consider facts that the party could have produced while the appeal was pending. The State Board may, in its discretion, abrogate, change, or modify the original decision. COMAR 13A.01.05.10.

No Basis for Reconsideration

The State Board dismissed the instant appeal because the Appellant failed to file his appeal with the State Board within the 30-day filing deadline, as set forth in Education Art. §4-205(c)(3) and COMAR 13A.01.05.02(B)(3). The Appellant should have filed his appeal with the State Board on November 20, 2023, but he did not file it until November 27, 2023. The State Board has long held that time limitations for filing a State Board appeal are generally mandatory and will not be overlooked except in extraordinary circumstances such as fraud or lack of notice. *See Scott v. Board of Educ. of Prince George’s County*, 3 Op. MSBE 139 (1983).

On March 15, 2024, the State Board received an email from the Appellant in which he essentially stated that due to serious health issues, he had just received the State Board’s letter requesting that he respond to the local board’s motion. Presumably, the Appellant is referring to

the January 5, 2024, letter from counsel for the State Board requesting that Appellant respond to the local board's motion to dismiss by January 19, 2024. The Appellant stated that he did not meet the timelines because he was hospitalized from the beginning of 2024 until early March, and he did not have access to his mail. He also stated that his chemotherapy treatment stopped controlling his cancer towards the end of last year which led to further medical problems. We treated the Appellant's email as a motion to reconsider the State Board's dismissal order.

We are sympathetic to the Appellant's health challenges. However, the issue of the Appellant's failure to respond to the local board's motion in January 2024, is not the basis for the dismissal of the appeal. The appeal was dismissed for failure to file the appeal to the State Board by November 20, 2023.

The State Board's dismissal order accurately captures the timing of relevant events last October and November concerning the filing deadline for the State Board appeal. None of the information provided by the Appellant rises to the level of an extraordinary circumstance that would justify waiving the 30-day filing deadline. *See Reyes-Harding v. Howard Cnty. Bd. of Educ.*, MSBE OR20-10 (2020)(birth of baby placed in NICU not extraordinary circumstance); *Ebony H. v. Montgomery Cnty. Bd. of Educ.*, MSBE OR18-07 (2018)(transporting parent needing liver transplant to medical appointments not extraordinary circumstance); *Yvette J. v. Montgomery Cnty. Bd. of Educ.*, MSBE OR09-05 (2009)(difficulties related to father's ailing health and matters involving children not extraordinary circumstances); *Hartley v. Montgomery Cnty. Bd. of Educ.*, MSBE OR07-11 (2007)(death of close friend, work commitment, and birth of great nephew not extraordinary circumstance).

Because the Appellant has failed to provide an adequate basis for reconsideration of MSBE OR24-05, it is this 30th day of April, 2024, ORDERED, by the Maryland State Board of Education, that the request for reconsideration is denied.

MARYLAND STATE BOARD OF EDUCATION

Signatures on File:

Clarence C. Crawford
President